Vol. VI. Numb. 9

THE OBSERVATOR.

The Country-man *is to be choſen Church-Warden. Of Select Veſtries. A Prohibition granted by King* Charles *the II. againſt the Biſhop of* Chicheſter. *Remarks thereon. The* Rehearſer *engages Mr.* Hickeringill, *and has caught a* Tartar.

From Saturday, March 29. to Wednesday, April 2. 1707.

Country-m. MAſter, I am much diſturb'd in my Mind.

Obſ. So am I, *Roger*; let us ſhake Hands.

Country-m. Maſter, they are going to make me a Church-Officer, whether I will or no. We have a Parcel of Volk they call ſelect Vaſtry-men, and they do what they pleaſe with the whole Pariſh: I don't know what to ſay to 'em. My Neighbour, Gaffer *Thomas*, ſays it was not ſo when he was marry'd, about fourſcore Year ago. How comes it to be ſo now?

Obſ. Becauſe the Pariſhioners are a Company of Woodcocks, and put their Heads under the Cirſingle of the Parſon, who leads the topping Culls by the Noſe, *Roger*, ſelect Veſtries are illegal, and have been condemn'd as ſuch in our Courts of Juſtice, where the Cauſe has been conteſted. But ſome People will ſubmit to illegal Oppreſſions, where others will not. The Pariſh of *St. Mary Maudlins*, in *Southwark*, is an Example to the Pariſh of *St. Mary Overies*; the former has defeated the ſelect Veſtry, and tho' t'other has not, much Good may it do 'em. But, *Roger*, ſome People muſt ſerve Pariſh-Offices, and thou ar't as fit as any.

Country-m. I know it, Maſter; but I wou'dn't be put upon by a ſelect Vaſtry. And beſides, they tell me I muſt go to the Viſitation: Maſter, they call'd the Plague the Viſitation, I remember it well enough; but what have the Viſitation-Men to do to ſwear Church-Wardens? I would not go ſo far to take an Oath; I don't underſtand it; for I take a Church-Warden to be a civil Officer, and therefore I think the Quakers, when they are choſen into that Office, don't do amiſs in calling themſelves *Pariſh-Wardens* ——. Pray, Maſter, give us your Opinion in this Caſe, as an *Eaſter-Offering* to your Country-men.

Obſ. Roger, it is my Buſineſs to inform my Country-men of what is their Priviledge, in order to ſecure them from Impoſitions illegal, and from wearing thoſe Yokes which their Fore-fathers could not bear. I muſt not give my Opinion, the Lawyers ſay, in a Law-Caſe, becauſe I have no Right to the Gown; but I hope I may give Precedents of their own in adjudg'd Caſes; and therefore in Anſwer to what you deſire, I ſhall here give you a true tranſlated Copy of a Writ of *Prohibition*, granted by the Lord Chief-Juſtice, and others, the Judges of the Court of *Common-Pleas*, againſt the then Biſhop of *Chicheſter*, who had proceeded againſt, and excommunicated one *Thomas Watersfield*, a Church-Warden, for refuſing to take the Oath uſually tender'd to Perſons in ſuch Offices, by which Writ the Illegality of all ſuch Oaths, is declar'd, and the ſaid Biſhop commanded to releaſe, and take off the ſaid Excommunication.

CHARLES *the II. by the Grace of God, King of* England, Scotland, France, *and* Ireland, *Defender of the Faith, &c. To the Reverend Father in Chriſt*, Ralph, *by Divine Providence, Lord Biſhop of* Chicheſter, *or any other competent Judge in his Behalf whatſoever, Greeting. We are inform'd in our Court, before our Juſtices, at* Weſtminſter, *on Behalf of* Thomas Watersfield, *That whereas by the Laws of our Realm of* England, *no Perſon ought to be cited to appear in any Court Chriſtian before any Judge Spiritual, to take any Oath, unleſs it be only in Caſes Matrimonial or Teſtamentary: But whereas alſo by a certain Act in Parliament, began and holden at* Weſtminſter *the* 8th *Day of* May, *in the* 13th *Year of our Reign, and there continu'd 'till Wedneſday the* 30th *Day of* July, *in the* 13th *Year of our Reign aforeſaid, and from the ſame Day the Parliament adjourn'd, until the* 20th *Day of* November *then next following, amongſt other Things, it was enacted by the Authority of the ſaid Parliament*, That it ſhould not be lawful for any Arch-Biſhop, Biſhop, Vicar-General, Chancellor, Commiſſary, or any other Spiritual or Eccleſiaſtical Officer or Miniſter, or any other Perſon, having, or exerciſing Spiritual or Eccleſiaſtical Juriſdiction, to offer, tender, or adminiſter to any Perſon whatſoever, the Oath uſually call'd the Oath ex Officio, or any other Oath, by which ſuch Perſon, to whom it may be offer'd or adminiſter'd, might be burden'd or compell'd to confeſs or accuſe him or her ſelf of any criminal Matter or Thing, whereby he or ſhe might be burden'd with any Cenſures or Puniſhments, *as in the ſaid Act, amongſt other Things, it is more fully contain'd: Yet you the aforeſaid* Biſhop, *after the coming forth of this Act*, (viz. *the* 23d *Day of July, in the* 27th *Year of our Reign*) *in no wiſe regarding the ſaid Law and Statute, at* Chicheſter, *in the County of* Suſſex, *did offer and tender unto the ſaid* Thomas Watersfield, *being then Church-Warden of the Pariſh of* Arundel, *in the ſaid County of* Suſſex, *a certain illegal Oath*, ex Officio, *to be perform'd by the ſaid* Thomas Watersfield, *in a Cauſe neither Matrimonial, nor Teſtamentary; by which, the ſaid* Thomas Watersfield *might be forc'd to accuſe himſelf of divers Matters criminal, and with which he might be burden'd with divers Puniſhments and Cenſures Eccleſiaſtical. In which Oath, as it was then tender'd to the ſaid* Thomas Watersfield, He ſhould with his utmoſt Diligence preſent every Perſon, which is, or lately was, inhabiting within the ſaid Pariſh of *Arundel*, who hath done any Offence,

Offence, or neglected any Duty mention'd in certain Articles contain'd in a certain printed Book, (*which Book was then and there shown by you the said Biſhop, to the said* Thomas Watersfield) *and the said* Thomas Watersfield *doth aver, at the Time of the tendering the said Oath, and before and afterwards, ever ſince, and hitherto, he hath dwelt and been reſident in* Arundel, *aforeſaid: Alſo that in the ſaid printed Book, at the ſame Time the ſaid Oath was tender'd to be perform'd, there was contain'd, amongſt other Things, this Queſtion,* (viz.) Whether every Perſon inhabiting or ſojourning within the Pariſh of *Arundel*, aforeſaid, did daily reſort every *Lord's-Day*, and *Feſtival Days* appointed for Divine Service, to the Church? And whether they did there remain the whole Time of Divine Service quietly, with Reverence, Order, and Decency? And whether the *Church-Wardens*, and Officers, call'd *Sidesmen*, did obſerve thoſe which came late after the Beginning of Divine Service, or went away before the End of the ſame? And whether they did ſuffer ſome to ſtand idle, or to talk in the Church Porch, or to walk in the Church-Yard, during the Time of Prayer, and Preaching, or other ſacred Duties? *And foraſmuch as the ſaid* Thomas Watersfield *did then and there refuſe to take the ſaid Oath, you the aforeſaid* Biſhop *did pronounce the Sentence of Excommunication upon him afterwards; that is to ſay, upon the ſame* 23d *Day of* July, *in the* 27th *Year of our Reign, aforeſaid, at* Chicheſter *aforeſaid, in Contempt of us, and to the manifeſt Damage, Prejudice, and Impoveriſhment of the ſaid* Thomas Watersfield, *and againſt the Form and Effect of the ſaid Statute, and the common Law of this our Realm of* England: *And whereas ſuch Pleas by the Laws of* England, *of Right belong to US, and not to YOU; WE therefore, being willing to maintain the Laws of our Crown, and the Law and Cuſtom aforeſaid, as by the BOND of our OATH we are BOUND to do; WE forbid you, firmly enjoyning you, not to intermeddle, or hold before you, the ſaid* Biſhop, *the Plea and Cenſure aforeſaid, as to any Anſwers in the ſaid Articles concerning the ſaid* Thomas Watersfield, *or any Thing from thence attempted: But that you releaſe and diſſolve all Decrees and Sentences (if any there be) againſt the ſaid* Thomas Watersfield, *by Reaſon of the ſaid* Fulmination, *and that you do abſolutely releaſe him the ſaid* Thomas Watersfield, *from all Decrees and Sentences upon Occaſion of the ſaid* Fulmination. Teſte *at* Weſtminſter, 6th *Day of* May, *in the* 28th *Year of our Reign.*

The Prohibition then granted, remains recorded in the ſaid Court of *Common-Pleas*, in Mr. *Wurley's Office*-Roll, No. 551.

Country-m. Bleſs me! Maſter, who would be a Church-Warden at this Rate? This *ex Officio* Oath, as I think you call'd it juſt now, is an Oath adminiſter'd on Purpoſe to make Volk forſwear themſelves; and no one can take it, but he that has more Eyes than Gaffer *Argus* had; for look ye, d'ye ſee, Maſter, two Eyes in one's Face, and one in one's Pole, will be too few to look after this Buſineſs.

For, as Church-Warden, I am to ſee the Volk in the Church, and the Idlers in the Porch, and the Tatlers in the Church-Yard. Now, while I am looking after one Sortment, how can I tell what the others are a doing?

Then, Maſter, I am to ſwear whether the *Sides-men* have done their Duty; how can I ſwear for or againſt another Perſon in the Diſcharge of his Office? Can I look after their Buſineſs, and my own too?

And then, I am to keep an Account of all that do not come to Church on the *Lord's-Day*, and the *Feſtival-Days*, that is, the Holy-days; and am to give an Account what Time the People come, and how they behave themſelves, *&c.* At this Rate, a Church-Warden ought to have half a ſcore Clerks allow'd him, to keep an exact Account whether my Neigbour *Thomas* came into the Church irreverently, with his But-End foremoſt, or reverently with his Head foremoſt. And ſuppoſe my *Joan* ſhould indecently come to Church with her dirty Night-Cap on her Head, inſtead of a clean Pinner, muſt I inform againſt my dear Spouſe? Or, as Parſon *Wild* ſays of a *quondam* Pariſh-Prieſt of *Aldgate*,

But good Doctor Porey,
When he came before ye,
The Sacred Goſpel to read,
At Judas *his Name,*
Oh, horrible Shame!
He bowed his reverend Head?

Now, Maſter, ſhould any one of my honeſt Neighbours, like this poring purblind Doctor, make a Miſtake, and inſtead of bowing at the Name of *Jeſus*, ſhould bow at the Name of *Judas*, muſt I inform againſt him, and put him into the ſpiteful Court?

And, Maſter, why muſt I inform againſt all that don't come to Church? Some Body muſt be left at Home to boil the Pot, or rule the Roaſt, to look after the Beef and Bag-Pudding: That's a Caſe of Neceſſity.

And by your Leave, Maſter, I will obſerve one Thing: By the Articles of that printed Book, the Church-Warden is not bound to give an Account, whether the Parſon comes to Church or no; or whether he be a drunken or ſober Man; like Prieſt, like People. I think the Viſitation-Men ought to mind the Prieſts, and not the People.

Obſ. Roger, I have let you run on, but the Viſitation will not put theſe Queſtions to you, as they did to Mr. *Watersfield*; they dare not now.

Country-m. And if they do, I will tell 'em plainly they are *ex Officio* Queſtions, and I won't anſwer 'em a Word ——. But Maſter, the *Rehearſer* has left you, and is fallen foul of Mr. *Hickeringill*.

Obſ. That *Iriſh* Prieſt of the High-Church Militant, has caught a Power of *Tartars* in his Life-time, but now he has caught an old one, that will neither let him gang or ſtay; poor Wretch, he's got into a Bog ——. Well, *Roger*, we muſt go to Bed: But this *Prohibition* will afford us ſome Diſcourſe the next Time we meet.

Advertiſements.

This Day is publiſh'd,

*** Miſcellaneous Tracts, Eſſays, Satyrs, *&c.* in Proſe and Verſe. Written by *Edmund Hickeringill*, Rector of *All-Saints*, in *Colcheſter*, *viz.* 1. A Deſcription of *Jamaica*, with ſeveral Obſervations, Reflections, and Improvements, that may be made in that Iſland, as relating to Commerce, *&c.* 2. The Tryal of the Spiritual Courts, ſhewing their Knavery and Impoſitions on the Subject; with a Table of their juſt Fees, *&c.* 3. A general Hiſtory of Prieſt-craft, ſhewing the Frauds of Prieſts of all Perſwaſions; in order to open the Eyes of the Laity, as they may not be Prieſt-ridden; in two Parts. 4. A Satyr upon Poverty. 5. A Satyr againſt Fame. 6. An Appendix by way of Vindication of the General Hiſtory of Prieſt-craft; which fully confutes all that can, or may be made to the contrary. 7. The Survey of the Earth, and the Writ, *De Excommunicatio Capiendo*, as commonly us'd, unmaſk'd; 1ſt. As to the Power of that *Capias*, how and when granted; ſetting forth the general Vileneſs and Debauchery of the Age: 2dly. As to the Rights of the Church, and all other Sects and Sectaries whatſoever. 8. Receipts to cure the Evil of this wicked World. 9. The Art of Contentment, a Poem. 10. A Satyr on Love. 11. A Farewel to Love, a Satyr. 12. A Defence againſt the Fears of Death, a Poem. 13. The Parliament Tacks, being a full Account of the Tacking-Affair. 14. Eſſays on ſeveral Subjects, in two Parts. Now collected together in one Volume; with the Author's Effigies curiouſly engraven on a Copper Plate. Printed for *S. Briſcoe*, and *B. Bragge*, in *Pater-Noſter-Row*.

Juſt publiſh'd,

*** The *Title*, *Preface*, and *Index* to the Fifth Volume the of *Obſervator*, and are to be had at *B. Bragge's*, at the *Raven* in *Pater-Noſter-Row*.

*** Advertiſements for this Paper, are taken in by *B. Bragge*, at the *Raven* in *Pater-Noſter-Row*; and *H. Meere*, at the *Black-Fryar* in *Black-Fryars*.

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